

Appl. No.: 10/612,669
Response dated February 22, 2005
Reply to Office action of December 1, 2004

REMARKS/ARGUMENTS

The remarks below are in response to the final Office Action mailed on December 1, 2004 in the present application. In the Office Action, Claims 14-16 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,669,498 to Meyers et al. ("Meyers"). The remaining Claims 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Meyers alone and in combination with U.S. Patent No. 5,542,775 to Bechtoldt et al. ("Bechtoldt").

Meyers discloses a seat structure for a bucket seat of an automobile. The seat structure 10 includes a seating cushion unit 12 and a back unit 14 extending upward from the cushion unit, as shown in Figure 1. The seating cushion unit includes a spring assembly 30 embedded into a foam body 18, as shown in Figure 3 of Meyers. The spring assembly includes a plurality of sinuous springs 32 which extend front to rear in the foam body. Each of the linear springs is provided with mounting end portions 60 that project from the foam body, as shown in Figure 5 of Meyers.

The seating cushion unit is mounted on a frame 22, as shown in Figure 3 of Meyers. The frame includes side rails 62 which are provided with upstruck tabs 64. The seating cushion unit is assembled to the frame by snapping the spring mounting end portions over the tabs so as to place the springs in tension.

Claim 14 of the present invention recites a method of forming a rail clip including providing an elongate rail having a securing portion for securing the rail to a seat base, forming a plurality of tabs extending along a longitudinal edge of the rail and bending the tabs to form hooks for receiving the end of a wire spring. Meyers, on the other hand, describes a frame for an automotive bucket seat wherein the frame has the upstruck tabs.

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The use of the securing portion for securing the rail to the seat base, as described in Claim 14, allows attachment of the rail clip to an existing wood furniture seat base or frame without individual construction and attachment of the hooks. The frame of Meyers is a square metal frame, as shown in Figure 3, and is used in an automotive bucket seat. However, home furniture, such as chairs, sofas and loveseats to which the present invention is directed, is often made from a frame, such as one made with wooden rails, that is not formed with hooks or tabs therein, as is the case with the automotive seat in Meyers. Use of the rail clip described in Claim 14 reduces the time it takes to secure conventional individual clips, one-at-a-time, to the wood furniture seat base. Instead, the securing portion is secured to the seat base, thereby securing all of the hooks at once.


There is no disclosure or suggestion by Meyers that the frame supporting the upstruck tabs could be later attached to another, separate frame. The upstruck tabs of Meyers are already attached to the frame and need not be attached anywhere else to provide support for the springs. Even if the frame with upstruck tabs of Meyers were (inappropriately) modified for attachment to another frame, there is no suggestion that such a frame would be a wood furniture frame. It was alleged in the final Office Action that "the edge opposite the one with the tabs could be considered a securing portion," at paragraph 2, page 2. However, there is no indication as to what the edge opposite the tabs could be secured to as the frame of Meyers is already integrally formed with the upstruck tabs and is not shown or described as being attached to any other structural support. Claim 14 has been amended to clarify that the seat base is a wooden seat base and that the securing portion is configured for securing the rail to the wooden seat base. Meyers, therefore, fails to teach or suggest the present invention as described in Claim 14.

None of the remaining cited references, alone or in combination with Meyers, teaches or suggests the method for constructing the rail clip described in Claim 14. The remaining Claims 15-19 depend from, and further patentably distinguish, Claim 14. The rejection of Claims 14-19 under 35 U.S.C. §§102(b) and 103(a) have therefore been overcome and Claims 14-19 are in a condition for allowance.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.


Respectfully submitted,

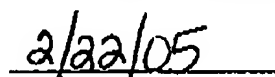

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